

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:12-CR-3057

vs.

TERESA LIGGINS,

ORDER

Defendant.

This matter is before the Court on correspondence from the defendant that the Court has construed as a motion to reduce sentence. [Filing 159](#). The defendant's motion will be denied.

The defendant's letters refer to her 2013 conviction for conspiracy to distribute cocaine base and the "First Act law," which the Court understands to be a reference to the [First Step Act of 2018](#), Pub. L. No. 115-391, 132 Stat. 5194 (2018). The First Step Act, § 404, gives retroactive effect to §§ 2 and 3 of the [Fair Sentencing Act of 2010](#), Pub. L. No. 111-220, 124 Stat. 2372 (2010). As relevant, those sections increased the amount of cocaine base needed to trigger higher mandatory minimum and maximum sentences under [21 U.S.C. § 841\(b\)\(1\)\(A\)\(iii\) and \(B\)\(iii\)](#) and [21 U.S.C. § 844](#). §§ 2-3, 124 Stat. 2372. The Fair Sentencing Act had the effect of reducing sentences for defendants convicted of offenses involving cocaine base.

But the only offenses covered by the First Step Act are those committed before the Fair Sentencing Act took effect—that is, those "committed before August 3, 2010." § 404(a), 132 Stat. 5194. The defendant was sentenced in 2013 for an offense committed in 2012. *See filing 73 at 4*. She was, in fact, convicted and sentenced based on an amount of cocaine base exceeding 280 grams,

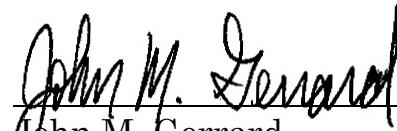
pursuant to the Fair Sentencing Act's provisions. And the Court may not entertain a motion under the First Step Act "if the sentence was previously imposed . . . in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010." § 404(c), 132 Stat. 5194.

In other words, the defendant was already sentenced under the Fair Sentencing Act of 2010, and the First Step Act of 2018 provides her with no new relief. Accordingly,

IT IS ORDERED that the defendant's motion to reduce sentence ([filing 159](#)) is denied.

Dated this 29th day of January, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge